

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 13, 2004
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer; Fearey; Lambke; Martz; Schlapp; present. Council Member Gray absent.

Cathy Holdeman, Acting City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Liz Owens, Ba' Hai Faith, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of January 6, 2004, were approved 6 to 0. (Gray absent).

AWARDS AND PRESENTATIONS**Distinguished Service Citations.**

Annie Montgomery and Steve Lackey were recognized for their years of dedication and service to the City of Wichita.

UNFINISHED BUSINESS

LULU/45TH

**PETITION TO PAVE LULU FROM 45TH STREET SOUTH TO 44TH STREET SOUTH.
(DISTRICT III)**

(Continued from January 6, 2004)

Neil Cable

City Engineer reviewed the item.

Agenda Report No. 04-0028A

The signatures on the Petition represent 1 of 7 (14.29%) resident owners and 50.27% of the improvement district area. The property owner signing the Petition is platting a vacant tract on the east side of Lulu into residential lots. On November 4, 2003, District III Advisory Board sponsored a neighborhood hearing on the project. The Board voted 8-1 to oppose the Petition due to opposition from homeowners on the west side of Lulu. The developer of the unplatted tract on the east side of Lulu has subsequently agreed to his property being assessed at twice the rate as the lots on the west side of Lulu.

Lulu, between 45th Street South and 44th Street South is a sand road that provides access to an area comprised of single-family homes and the proposed new residential development. The proposed improvement consists of a two-lane asphalt road with curb and gutter.

The estimated cost of the project is \$125,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties, as petitioned, is \$00.73 per square foot of ownership. The estimated assessment to individual properties, if modified as proposed by the developer of the unplatted tract, is \$00.49 per square foot on the west side of Lulu and \$00.97 per square foot for the unplatted tract east of Lulu. As an infill project, the improvement will qualify for 20-year bonds.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to reapportion assessments within the improvement district.

- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Ronnie Johnston Ms. Johnston stated that she does not want the road paved and likes it the way it is. Stated that this would be a financial burden to the property owners.
- Jay Russell Mr. Russell stated that he is the developer and that over the last several years developers have been encouraged by the Planning Department to try and do more infill because the sewer, water and the infrastructure is already there but that it is very difficult to try and develop these small pieces of ground. Explained that their original intent was to go in and pave 45th Street and bring the traffic out on to 45th to Hydraulic. Before they closed on the property the City did a survey of all the people who would be affected by the paving of 45th Street and Lulu and that survey came back with only two people in favor of paving 45th and Lulu out of 27 people. Stated that he and Council Member Lambke discussed and agreed that it would not be appropriate to put that burden on those people and at that point he was encouraged to move forward with this as an infill project. To accomplish this he went into the north end of the property and bought another two acres so that he could take 44th Street out on to Hydraulic so that they would not have to pave 45th Street. Stated that this went through the correct process and was approved by the Planning Commission, and prior to it going before the City Council to get the plat approved, there was some opposition to one of the residents on the south side of 45th Street that he did not want to see the back sides of these houses. At that point they sat down and visited with the community and agreed to redesign the entire project for them, which was to be approved in September of 2002. A year and a half later the project is still not approved and they are ready to move forward. If the City is going to encourage the developers to do infill then the City needs to have a policies where this can be streamlined and move forward quicker.
- Council Member Lambke Council Member Lambke stated that the residents on the west side of Lulu will never get a better deal to have their streets paved which will increase the value of their property and the desirability of the area.
- Motion-- Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0.
--carried (Gray absent)

RESOLUTION NO. 04-021

Resolution of findings of advisability and Resolution authorizing improving Lulu from the north line of 45th Street South to the south line of 44th Street South 472-89910, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

45TH/LULU

PETITION TO PAVE 45TH STREET SOUTH, FROM LULU TO HYDRAULIC. **(DISTRICT III)**

(Continued from January 6, 2004)

Neil Cable Engineer reviewed the item.

Agenda Report No. 04-0005A

The signatures on the Petition represent 13 of 24 (54.17%) resident owners and 75.29% of the improvement district area. District III Advisory Board sponsored a November 5, 2003, neighborhood hearing on the project. The Board voted 9-0 to recommend approval.

45th Street South between Lulu and Hydraulic is a sand road that provides access to an area comprised of single-family homes and a proposed new residential development. The proposed improvement consists of a two-lane asphalt road with curb and gutter. Due to the small lot sizes and the existing drainage conditions, a storm water sewer will be built with the paving.

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The estimated cost of the project is \$266,000 with the \$207,000 assessed to the improvement district and \$59,000 paid by the City. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds. Because it is an infill project, the improvement will qualify for 20-year bonds. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.33 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 04-022

Resolution of findings of advisability and Resolution authorizing improving 45th Street South from the west line of Lulu to the west line of Lulu to the west line of Hydraulic 472-83909, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

SUB2003-73

SUB 2003-73-PLAT OF HIDDEN GLEN ADDITION, LOCATED ON THE WEST SIDE OF HYDRAULIC, BETWEEN 44TH STREET AND 45TH STREET SOUTH.

(Continued from January 6, 2004)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 04-0023A

This unplatted site, consisting of 61 lots (13.97 acres), is located within the City and is zoned "SF-5" Single-Family Residential District.

Petitions have been submitted for sewer, water, paving and drainage improvements. The paving petitions for Lulu and 45th Street South are not 100%. A Certificate of Petitions has been submitted. Restrictive Covenants (2) were submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves and provide four (4) off-street spaces per dwelling on each lot that abuts a 32-foot street. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (3) will be recorded with the Register of Deeds.

Motion--
--carried

Lambke moved that the Plat be approved, the Resolutions be adopted and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

RESOLUTION NO. 04-023

Resolution of findings of advisability and Resolution authorizing improving of Lateral 91, Main 1, Southwest Interceptor Sewer (west of Hydraulic, between 44th & 45th Street South) 468-83484, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

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RESOLUTION NO. 04-024

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 574 (west of Hydraulic, between 44th and 45th Street South) 468-83485, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

OLD BUSINESS

3054 N. PARK PL.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 3054 NORTH PARK PLACE. (REQUESTED BY VICE-MAYOR FEAREY)

Kurt Schroeder

Central Inspection Superintendent reviewed the item.

Agenda Report 04-0029

This property was before the Board of Code Standards and Appeals (BCSA) on June 2, 2003. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on September 16, 2003. The owner, Juvenal Fernandez, was present to represent the property and Council adopted a resolution allowing 7 days to pay the taxes and special assessments and if done, an additional 60 days to complete demolition or repair for the basement structure.

The time to repair elapsed and no work was done, so staff sent a letter to the owner notifying him that the City would proceed with demolition in accordance with Council resolution. Since that time, Mr. Fernandez has obtained a building permit and has submitted a letter outlining a plan of action and timeframe to complete construction of a new dwelling on the existing basement.

The taxes are current.

The owner has been notified of the date and time of this hearing.

Council Member Fearey

Council Member Fearey stated that she met with Mr. Hernandez and that it is her understanding that he has submitted a letter regarding a work plan and that she thinks that his understanding is that the Council is going to grant him extra time.

Motion--
--carried

Fearey moved that the City Council grant an additional 60 days with a review at that time and then take the recommended action. Motion carried 6 to 0. (Gray absent).

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NEW BUSINESS

(Agenda Item #5) (This Item was considered later in the meeting. Action is shown in Agenda Order)

GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 210); GENERAL OBLIGATION BOND SALE (SERIES 776 & 777); AND GENERAL OBLIGATION TIF BOND SALE (SERIES 957).

Cathy Holdeman Acting City Manager reported that the Finance Department would be available at 10:30 a.m. to present and discuss this item.

Mayor Mayans Mayor Mayans stated that it would be addressed at that time.

Kelly Carpenter Acting Finance Director reviewed the item.

Agenda Report No. 04-0030

The City is offering for sale one series of General Obligation Temporary Notes totaling \$92,810,000, two series of general obligation bonds totaling \$23,575,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and one series of general obligation bonds totaling \$4,980,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City.

The proceeds of the Series 210 Temporary Notes will be used to provide interim financing for various City-at-large, improvement district projects and Sewer Utility capital projects. The proceeds of the Series 776 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. The proceeds from the sale of Series 777 Bonds will be used to permanently finance certain City-at-large projects. The proceeds from the sale of the Series 957 Bonds will be used for public improvements located within the Old Town Cinema Tax Increment Financing District.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 210 Temporary Notes will mature August 19, 2004, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 776 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 777 Bonds will mature over ten years and will be paid from the citywide mill levy for debt service and the revenues accruing to various City enterprise funds. The Series 957 Bonds will mature serially over 15 years with principal maturities structured to produce payments, which fall within the net tax increment revenue stream. The Series 957 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 776 and Series 957 Bonds will be callable in 2011 and the Series 777 Bonds will be callable in 2009 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances, which have been prepared by Bond Counsel.

Mayor Mayans Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Motion-- Mayans moved that the Council direct the opening and reading of the bids; award the sale of the Bonds and Temporary Notes; and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Resolutions; and authorize the publication thereof. Motion
--carried carried 6 to 0. (Gray absent).

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RESOLUTION NO. 04-026

A Resolution authorizing and providing for the issuance of General Obligation renewal and improvement temporary notes, Series 210, of the City of Wichita, Kansas, in the total principal amount of \$92,810,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 04-027

A Resolution providing for the issuance of General Obligation Bonds, Series 776, of the City of Wichita, Kansas, in the total principal amount of \$13,390,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 04-028

A Resolution providing for the issuance of General Obligation Bonds, Series 777, of the City of Wichita, Kansas, in the total principal amount of \$10,185,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 04-029

A Resolution authorizing and providing for the issuance of General Obligation Bonds, Series 957, of the City of Wichita, Kansas, in the total principal amount of \$4,980,000, for the purpose of providing the necessary funds to pay costs in connection with the constructing of improvements in the Old Town Cinema Redevelopment District in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

ORDINANCE NO. 45-971

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 210, of the City of Wichita, Kansas, in the total principal amount of \$92,810,000 for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Gray absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Mayans. (Gray absent)

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ORDINANCE NO. 45-972

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 776, of the City of Wichita, Kansas, in the total principal amount of \$13,390,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Gray absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Mayans. (Gray absent)

ORDINANCE NO. 45-973

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 777, of the City of Wichita, Kansas, in the total principal amount of \$10,185,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Gray absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Mayans. (Gray absent)

ORDINANCE NO. 45-974

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 957, of the City of Wichita, Kansas, in the total principal amount of \$4,980,000, for the purpose of providing the necessary funds to pay costs in connection with the constructing of improvements in the Old Town cinema redevelopment district in the city; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Gray absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Mayans. (Gray absent)

SIGN CODE

PROPOSED CHANGES TO SIGN CODE.

Terry Cassady

City Manger's office reviewed the item.

Kurt Schroeder

Central Inspection Superintendent reviewed the item.

Agenda Report No. 04-0031

Over the past several months, staff and sign industry representatives have been meeting to review possible additions and amendments to the Sign Code. Staff and the sign industry have concurred on the proposed changes to the Code outlined below and delineated in the attached Ordinance.

The committee's review of the Code has focused primarily on the following issues:

- (1) Creation of an "administrative adjustment" process that is similar to the adjustment processes outlined and permitted in the Unified Zoning Code;
- (2) Clarification of those items or code sections that have been sources for confusion or have required frequent interpretation, and some appeals to the Board of Zoning Appeals (BZA);

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(3) Addition of new definitions and sign code classifications that are referred to in the Sign Code or in approved Community Unit Plans (CUPs), Planned Unit Developments (PUDs) and/or Protective Overlays (POs), but are not otherwise defined or well-defined, as well as new definitions for sign types and technology that have been developed since the Sign Code was first adopted; and

(4) Amendments to eliminate several specific requirements that have been frequently reviewed by the BZA but ultimately waived.

A detailed, delineated draft Ordinance of proposed Sign Code changes is attached. Outlined below is a summary of the proposed changes.

Addition of a totally new Sign Code section for administrative adjustments, where by the Planning Director, with concurrence of the Zoning Administrator, may approve an application for a Sign Code adjustment.

Eleven specific administrative adjustments categories are outlined, including: various adjustments for maximum allowed sign height, size, and distance separation requirements; adjustments for allowed number of building or wall signs; adjustment authority to allow reconstruction/major structural alteration to legally non-conforming signs; adjustment authority to allow small "off-site" ground signs for businesses that have no direct frontage to an arterial or collector street but have a need for signage on such street, and for which permission to place a sign on an abutting or adjacent lot with such street frontage has been secured; and adjustment authority to allow electronic message signs for institutional uses, such as churches and schools, in residential zoning districts or in any Neighborhood Office, General Office, Neighborhood Retail, Office Warehouse or Industrial Park zoning district.

Specific limitations on the maximum adjustments that can be granted with respect to sign height, size, distance separation or number of wall signs are also stipulated.

Addition of and revision to a number of definitions, including new sign classification definitions for "animated signs", "banner signs", "commercial flag or pennant signs", "electronic message signs", "flashing signs", "menu boards", "monument signs", and "variable message signs". There has been tremendous growth in the use of these types of signs over the past 8-10 years, and definitions that relate to specific zoning district or CUP, PUD or PO requirements are set forth in order to more practically regulate and enforce their use.

Inclusion of several new general definitions that are frequently referred to in the Sign Code, CUPs, PUDs or POs, or by general sign industry terminology, but are not defined in the Sign Code, including: "Abutting", "Adjacent", "Institution", "Owner", "Pole or Pylon Cover or Wrap", "Sign", "Sign Cabinet", "Sign Structure", "Zoning District or District", and "Zoning Lot". Inclusion of these definitions will eliminate much current confusion, many interpretations, and potential appeals to the Board of Zoning Appeals, and should simplify permitting and enforcement processes.

Several suggested amendments to the "Signs Permitted in All Zoning Districts" section, including: (a) amended/clarified provisions for real estate signs, primarily as related to somewhat relaxed requirements for such signs in the "B" Multifamily zoning district, but also adding maximum number and distance separation requirements for such signs in all zoning districts; (b) amended requirements relating to the number, size and type of signs allowed for "institutional uses", regardless of the zoning district classification; (c) new specific provisions and controls for "banner signs" and "commercial flag or pennant signs" which have become increasingly popular over the past 8-10 years, but for which there have been virtually no specific requirements or controls; and (d) new specific provisions/regulations for "menu board signs" which have not previously been defined or specifically regulated in the Sign Code.

Amended provisions for building or wall signs in the "LC" zoning district, including:

1. Modification of the requirements for placement of wall signs on building elevations that have no street frontage. The proposed language somewhat eases the current requirement for a minimum of 150' of paved "parking or loading area" adjacent to the wall sign by: (a) only requiring the minimum 150' distance measurement when the building or wall sign is adjacent to a residential use or district (measured from the sign face to the nearest residential use or zoning lot); and (b) allowing this 150' measurement to include not only a paved "parking or loading area", but also any "open space" area (landscaped or green space area); and

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2. Elimination of the current 30-foot building/wall sign height restriction. This has been a common BZA variance request for tall single-story or multi-story buildings, and a variance that has nearly always been approved.

Several minor clarifications and some Zoning Code-related “cleanup” language in the “General Requirements” section of the Sign Code.

A couple of minor clarifying amendments to the “Off-site Signs” section of the Sign Code, including: (a) addition of certain distance separation requirements for off-site (billboard) signs that are now only found in other sections of the Code; and (b) addition of specific language to clarify that off-site sign panels or faces may include variable message type signs.

There are no financial considerations to the City.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Ordinance be placed on first reading; and Staff be authorized upon second reading, to notify the sign industry of the changes and begin implementation. Motion carried 6 to 0, (Gray absent).

--carried

ORDINANCE

An Ordinance amending Sections 24.04.185, 24.04.190, 24.04.195, 24.04.220 and 24.04.222 and repealing the originals of said Amended Sections 24.04.251, all in the Code of the City of Wichita, Kansas, and pertaining to the sign codes of the City of Wichita, introduced and under the rules laid over.

VIETNAMESE FLAG RESOLUTION RECOGNIZING THE VIETNAMESE COMMUNITY FLAG.

Jeanne Goodvin

Special Projects Director reviewed the item.

Agenda Report No. 04-0059

Since the war in Vietnam many of the Vietnamese–American people of Wichita are in exile from the communist rule of Vietnam. These individuals have since made substantial cultural, religious, political, and economical contributions to the City of Wichita.

The proposed adoption to recognize the flag of the Former Republic of Vietnam as the official flag of the Vietnamese community, will bring the home they remember of Vietnam to the City of Wichita and that this flag may be displayed on any city owned property at any city-controlled or sponsored Vietnamese-American event subject to the permit requirements of the city.

Several speakers spoke in favor of the resolution being adopted.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Gray absent).

RESOLUTION OF THE CITY OF WICHITA KANSAS – FOUNDED IN 1870.

Be it resolved that the Council of the City of Wichita, Kansas, recognizes the flag of the Former Republic of Vietnam as the official flag of the Vietnamese Community in Wichita, Kansas;

Whereas, the Vietnamese-American People of Wichita, Kansas are in exile from the communist rule of Vietnam; and

Whereas, the Vietnamese-American People have made substantial cultural, religious, political, and economical contributions to the City of Wichita; and

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Whereas, the flag of the Former Republic of Vietnam consists of three horizontal stripes of red (gules) upon a field of gold; and

Whereas, the recognition of this flag will bring the home they remember of Vietnam to the City of Wichita.

Now, therefore, be it resolved, that the City of Wichita, on this day recognized the flag of the Former Republic of Vietnam as the official flag of the Vietnamese Community of Wichita, Kansas and that this flag may be displayed on any City owned property at any City-controlled or sponsored Vietnamese-American event subject to the permit requirements of the City, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Gray absent)

OFF AGENDA ITEM APPROVAL OF EXPENDITURES TO THE NATIONAL LEAGUE OF CITIES AND THE U.S. CONFERENCE OF MAYORS.

Motion-- Mayans moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried
--carried 6 to 0. (Gray absent)

Motion-- Mayans moved that the expenditures for the National League of Cities and the U.S. Conference of
--carried Mayors be approved. Motion carried 6 to 0. (Gray absent).

CITY COUNCIL AGENDA

COUNCIL RULES DISCUSSION OF COUNCIL RULES. (REQUESTED BY COUNCIL MEMBER LAMBKE)

Council Member Lambke Council Member Lambke asked the City Attorney to review the ordinance regarding Council Rules for the rest of the Council Members.

Gary Rebenstorf Mr. Rebenstorf stated that under the City Council Rules that are adopted by Ordinance, the rules recognize that the formal Robert Rules procedure do not apply to bodies the size of the Wichita City Council and therefore the rules recognize that a simplified rule of procedure would be adopted by the City Council. In section 2.04.410, the rules provide that individual Council Members are privileged to take at appropriate times without the necessity of the action being placed in the form of a motion a series of different types of issues that may be raised as a privilege by Council Members and one of them is the issue that Council Member Lambke has raised which is to "call a question" and that rule basically provides that it can be made by an individual Council Member at any appropriate time after a motion has been made and seconded when it is desired to bring the debate to an end and to bring about a vote on the matter under debate. Explained that in 1992 the City Council adopted a resolution affirming these rules of procedure and setting them out as rules for the Council to follow.

Council Member Lambke Council Member Lambke stated that this rule allows debate to be stopped or it allows a vote to be taken before each Council Member has a chance to comment on the question. Stated that each Council Member represents approximately 1/6 of the City and the Mayor represents the whole City and to be able to disenfranchise a large segment of the population by evoking this rule, does not seem like a proper way to conduct a democratic government.

Mayor Mayans Mayor Mayans stated that the Council is the lobbyist for the people and they should have the opportunity to offer their views and that possibly the best way to address this is to amend the ordinance that a motion cannot be made within a half hour of discussion prior to the motion.

Council Member Lambke Council Member Lambke stated that he is asking that this cannot not be invoked until each Council Member and Mayor has a chance to voice their opinion regardless of how long it takes.

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- Council Member Martz Council Member Martz stated that he understands the concern but feels that the “Call of the question”, is still an important part of parliamentary procedures that needs to be included. Agrees with Council Member Lambke that each Council Member should be given the opportunity to speak.
- Council Member Fearey Council Member Fearey stated that this is not something that is used very often and at this point would like to see things stand as they are.
- Council Member Schlapp Council Member Schlapp stated that she also thinks that this is an important piece of the procedure.
- Council Member Brewer Council Member Brewer stated that he feels that this has a place in the Roberts Rules of Order.
- Council Member Lambke Council Member Lambke stated that feels that the public deserves to hear the debate.
- Mayor Mayans Mayor Mayans asked that Council Member Lambke meet with City Attorney, Gary Rebenstorf regarding this item and bring back to the workshop for discussion.
- Motion-- Lambke moved that Council direct the City Attorney to research the “Call the question” procedure and come back with a change in the rules that guarantees each voting member a right to speak after the motion is made and bring back to the Council for discussion. Motion carried 6 to 0. (Gray absent).
- carried

APPOINTMENTS

BOARD APPOINTMENTS.

- Mayor Mayans Mayor Mayans asked Council Member Martz to read the list of names of the individuals from the community whose organization was given an opportunity to submit a name for the Citizens Selection Committee.
- Motion-- Mayans moved to approve the following people be appointed to the Citizen’s Selection Committee for the New City Manager: WABA-Wes Galyon; WIBA, Dr. Ron Waln; WDDC, Ed Wolverton; Hispanic Chamber of Commerce, Charlie Rivera; WSU, Dr. Donald Beggs; WIN, Inc., Bob Wine; Wichita Chamber of Commerce, Bryan Derreberry; Indo-Chinese Cultural Center, Mohan Kambampati; Friends University, Dr. Biff Green; Newman University, Aidan Dunleavy; Wichita Public Schools, Winston Brooks; Sedgwick County, Bill Buchanan; GWEDC, Steve Martens; NAACP, Kevin Myles; and Mayor Mayans appointed Doug Pickard, the President of the Wichita Fire Fighters; Fearey appointed Joan Cole, former City Council Member; Brewer appointed Reverend Lincoln Montgomery; Lambke appointed Jim Skelton; Schlapp appointed Joe Piscotte; and Martz appointed Jim Holt. Motion carried 6 to 0. (Gray absent).
- carried
- Motion-- Fearey moved to appoint Patrick O’Connor to the Art and Design Board. Motion carried 6 to 0. (Gray absent).
- carried

Agenda Item 5.

Action is shown in agenda order.

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CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 6 to 0. (Gray absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 12, 2004.

Bids were opened January 9, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Lateral 94, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83714/744022/480710) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Utility Contractors - \$262,726.00

Lateral 270, Main 5, Sanitary Sewer #22 to serve an Unplatted Tract located north of 8th, west of Hoover . (468-83666/744004/480692) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wichita Excavation - \$4,325.00

Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition - north of 31st Street South, west of Maize. (468-83658/744025/480713) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Utility Contractors - \$260,200.00

Lateral 1, Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition - north of 31st Street South, west of Maize. (468-83659/744026/480714) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$116,961.00

Water distribution system to serve Wilson Estates Medical Park Second Addition - south of 21st Street North, west of Webb. (448-89884/735158 /470828) Does not affect existing traffic. (District II)

Mies Construction - \$20,000.00

Water distribution system to serve property along Old Lawrence Road and Broadway - north of 37th, south of K-96. (448-89805/635649/763705) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Nowak Construction - \$135,503.84 (Negotiated to Engineer's Estimate)

Storm Water Sewer #593 to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83674 /751347/485238); AND; Storm Water Sewer #603 to serve Brighton Courts Addition -south of 21st Street North, west of Webb. (468-83749/751352/485243) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$357,436.50 (Total Aggregate Bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Gray absent).

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PRELIMINARY EST. PRELIMINARY ESTIMATES.

a) Old Town Parking Lot Improvements - 132 North Mosley (472-83846/792393/435363).
Traffic to be maintained during construction using flagpersons and barricades. (District VI) -
\$175,760.75

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0,
(Gray absent).

FOUR H ADDITION PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF FOUR H ADDITION, NORTH OF CENTRAL, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0032

The Petition has been signed by one owner, representing 100% of the improvement district.
The project will extend sanitary sewer service to a residential development located north of Central,
west of Tyler.

The Petition totals \$61,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the
majority of the property in the improvement district.

Motion-- Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0. (Gray
--carried absent).

WESTWAY ADD. PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF WESTWAY ADDITION, SOUTH OF PAWNEE, WEST OF SENECA. (DISTRICT IV)

Agenda Report No. 04-0033

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer improvements to a new coffee shop located south of Pawnee,
west of Seneca.

The Petition totals \$35,100. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the
majority of the property in the improvement district.

Motion-- Mayans moved that the Petition be approved and the Resolution adopted (hold for development).
--carried Motion carried 6 to 0. (Gray absent).

PINE MEADOW CT. PETITION TO PAVE PINE MEADOW COURT IN PINE MEADOW AND PINE MEADOW SECOND ADDITIONS, EAST OF GREENWICH, SOUTH OF 13TH STREET. (DISTRICT II)

Agenda Report No. 04-0034

The Petition has been signed by three owners, representing 100% of the improvement district.

The project will provide paved access to new residential development located east of Greenwich, south
of 13th

The Petition totals \$137,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved and the Resolution adopted (hold for development).
Motion carried 6 to 0. (Gray absent).

RESOLUTION NO. 04-032

Resolution of findings of advisability and Resolution authorizing improving of Pine Meadow Court from the north line of Pine Meadow Street to and including the cul-de-sac serving Lots 1 through 12, Block 1, Pine Meadow Second Addition (east of Greenwich south of 13th Street) 472-83459) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

EVERGREEN LIB. AGREEMENTS/CONTRACTS: HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT- EVERGREEN LIBRARY.

Agenda Report No. 04-0035

On September 9, 2003, the City Council approved the submittal of the grant application to the U.S. Department of Housing and Urban Development, which was required to receive the award of an Economic Development Initiative Special Project grant for the Evergreen Public Library.

The City of Wichita will serve as the grantee for the Evergreen Branch Library grant. Additional funding to upgrade the entrance with automatic doors that will allow easier access for people with disabilities, complete the unfinished conference room, storage facilities and improve ventilation is available from this Economic Development Initiative Special Project grant.

To receive the grant funds, the City must execute the Grant Agreement and Assistance Award and submit the documents to HUD.

The grant totals \$89,415 and does not require matching funds.

Motion--
--carried

Mayans moved that the Grant Agreement and Assistance Award be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

TERRIORISM FEDERAL BUREAU OF INVESTIGATION-HEART OF AMERICA JOINT TERRIORISM TASK FORCE.

Agenda Report 04-0036

In an effort to address the growing safety and security concerns associated with terrorism, the Federal Bureau of Investigation created the Joint Terrorism Task Force, which is comprised of representatives from local, state and federal law enforcement agencies. In March 2002, the Wichita Police Department joined the Heart of America-Joint Terrorism Task Force (HOA-JTTF). As a member of the HOA-JTTF, the Wichita Police Department has been able to obtain classified information related to the safety and security of the City and region. The purpose of the Joint Terrorism Task Force is to investigate organizations and/or individuals planning or carrying out terrorist acts, and to apprehend such individuals.

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Currently, the Wichita Police Department has one detective assigned full-time to the Heart of America –Joint Terrorism Task Force. The FBI will reimburse the City of Wichita for overtime paid to detectives working full-time in support of the HOA-JTTF. The FBI also provides the WPD detective assigned to the task force with a vehicle, a cell phone, and the latest technology available in addressing terrorism. During 2003, the FBI paid for the WPD detective to attend more than 80 hours of invaluable training in the most recent developments in counter terrorism techniques.

For FY 2004 (October 1, 2003 through September 30, 2004), the FBI will reimburse the City of Wichita for overtime incurred by the HOA-JTTF detective up to \$10,719.48, not to exceed \$ 893.29 for any one month.

The agreement will be reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

YOUTH SERVICES

CONTRACT WITH WORKFORCE ALLIANCE OF SOUTH CENTRAL KANSAS FOR YOUTH CASE MANAGEMENT AND OTHER YOUTH SERVICES.

Agenda Report No. 04-0037

The Workforce Alliance of South Central Kansas has selected the City of Wichita to provide case management and other youth services, funded under the Workforce Investment Act (WIA), from January 1 through June 30, 2004. The contracted youth are those currently being served by the City's Career Development Office. The Workforce Alliance plans to issue a Request for Service in the spring for WIA youth employment and training activities as of July 1, 2004.

City staff and Workforce Alliance staff are currently negotiating the details of the proposed six-month contract.

The case management and other youth services to be provided under the contract are the same as those provided to area youth by the City of Wichita for the last several years. The contract payments will be a combination of fees for service and reimbursements for participant expenses.

The contract amount is \$505,576 to provide the appropriate WIA services to 208 youth.

Approval as to form by the Department of Law will be obtained prior to the execution of the contract.

Motion--
--carried

Mayans moved that the development of a youth case management and services contract be approved and the Mayor to sign the finalized contract be authorized. Motion carried 6 to 0. (Gray absent).

SRS

PURCHASE OF SERVICE AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.

Agenda Report No. 04-0038

In the fall of 1998, the City of Wichita began providing employment and training services to area welfare recipients through the federal Welfare to Work (WTW) program. The grant funds expire in mid-2004 and Congress will allocate no new funds. In the last five years, the City's Career Development Office (CDO) has worked with 493 WTW customers, with 422 becoming employed, at an average wage at placement of \$8.00.

The number of welfare recipients in Sedgwick County who need employment and training services has increased as a result of the local economy during the last several months. The Kansas Department of Social and Rehabilitation Services (SRS) procures these services through fixed-cost, purchase of service agreements with local providers. Although SRS guarantees neither numbers of clients referred nor a total agreement amount, the number of clients available is far more than can be served by current local

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providers. Initial estimates of potential referrals to the CDO range up to 600 clients with payments of approximately \$200,000 during the next six months.

The CDO has the capacity, expertise, and ability to provide the needed services to SRS's clients. The agreement has no expiration date and will continue until terminated by either party. Approval of the agreement will allow the CDO to continue services to existing WTW clients and to work with several hundred other welfare recipients wishing to enter the local labor market.

The fixed unit cost will cover the expenses of the CDO to provide services to welfare recipients of Sedgwick County and will not obligate general fund monies.

The Law Office has reviewed and approved the Provider Agreement and will review the completed forms prior to the execution of the agreement.

Motion--
--carried

Mayans moved that the finalization of SRS Provider Agreement be approved and the Mayor to sign the completed agreement be authorized. Motion carried 6 to 0. (Gray absent).

EAST BANK

DESIGN SERVICE AGRMNT: EAST BANK REDEVELOPMENT-AMENDMENT TO AGREEMENT.

Agenda Report No. 04-0039

On November 16, 2002, the City issued a competitive Request for Proposal (RFP) for design services for the public improvements for the East Bank Redevelopment project. Notices were sent to 95 firms and the notice was posted on the City's e-Procurement web site. A staff Screening and Selection Committee reviewed the Expressions of Interest and detailed proposals. Following interviews, the staff Screening and Selection Committee unanimously recommended the contract be awarded to the firm of Gossen Livingston Associates. On March 4, 2003, the City Council approved the award and a Design Services Agreement in the amount of \$1,460,000. On December 16, 2003 the City Council approved the revised Development Agreement and Master Plan for the Waterwalk project.

Under the terms of the Development Agreement with WaterWalk, LLC, the City is obligated to provide public improvements including acquisition of land, site clearance, geotechnical and environmental studies, boundary and topographic surveys and construction of public parking, waterway, hardscape, landscape and riverbank improvements. The costs for these services are budgeted in the approved East Bank Development budget. The approved Development Agreement requires the City initiate and complete construction of the public improvements within thirty-six (36) months of receipt of a Notice of Commitment to Proceed from the developer. On December 17, 2003, the City received the formal Notice of Commitment to Proceed from WaterWalk, LLC.

The original agreement with Gossen Livingston Associates is applicable to master planning, design and engineering in a not to exceed amount of \$1,460,000. The original agreement with Gossen Livingston does not include surveys, geotechnical and environmental work, platting, zoning and traffic studies.

To meet the timetable for completion of the public improvements, the Department of Public Works and the Department of Finance recommends the City amend the existing Design Services Agreement with Gossen Livingston Associates to include Phase II work on the project which includes the following services: boundary and topographic surveys; geotechnical and environmental studies; traffic study; preparation of a PUD/CUP and a plat. The City cannot initiate the construction of the public improvements until these actions are complete.

The cost of professional services for the boundary and topographic surveys; geotechnical and environmental studies; traffic study; preparation of a PUD/CUP and a plat will be on a lump sum basis with a total not to exceed \$71,710. Funds are budgeted for design and miscellaneous professional services in the approved East Bank Redevelopment budget. No additional City funds are required.

The amendment to the Design Services Agreement will be reviewed and approved as to form by the City Attorney.

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Motion--
--carried

Mayans moved that the amendment to the Design Services Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gray absent).

DOUGLAS IMPROV. CHANGE ORDERS: DOUGLAS IMPROVEMENT, SENECA TO MCLEAN. (DISTRIC IV)

Agenda Report No. 04-0040

On August 14, 2001, the City Council approved a project to improve Douglas, between Seneca and McLean. Because of conditions encountered when old pavement was removed, additional asphalt and concrete pavement was required. Adjustments were needed for tie-ins to old water lines. Wheelchair ramps, with a detectable warning surface, is required in order to comply with Federal disability regulations. An anti-graffiti coating was applied to the clock tower and ornamental lighting was improved.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$78,556. The original contract amount is \$3,092,148.45. The funding source is General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

SOUTHERN RIDGE STORM WATER SEWER IN SOUTHERN RIDGE ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 04-0041

On December 17, 2002, the City Council approved a petition to construct a storm water sewer in Southern Ridge Addition, a new residential development located south of Pawnee, west of Maize. The developer of the addition has requested that the project be modified to provide additional view-out basements. The revised grading plans will necessitate the installation of additional storm sewer pipe and inlets.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$23,358. The original contract amount is \$238,371.50. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

HOME FUNDING ALLOCATION OF HOME FUNDING.

Agenda Report No. 04-0043

The HOMEownership 80 program assists low-income (up to 80% of median) homebuyers with zero-interest, deferred loans for down payments, closing costs involved in the purchase of a home. The

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program also provides a loan for minor rehabilitation, following closing. The program is funded from the City's annual HOME grant.

During the Consolidated Plan allocation process, \$610,049 was allocated for the assistance provided through the HOMEownership 80 program. Since July 1, 2003, the City has provided loans to assist 25 families in the purchase of a home through the program. Approximately \$443,000 of current year funding has been expended. Program production has increased significantly due to increased single-family housing production on the part of the City's Community Housing Development Organizations (CHDO's). In addition, new single-family housing developments currently under construction through Power CDC and Mennonite Housing in Northeast Wichita, as well as Central Plains Development in Planeview will necessitate increased funding for down payment and closing cost assistance for homebuyers purchasing homes in these developments.

In order to meet the needs of homebuyers purchasing these homes, as well as other homes that are available for sale in the City's Redevelopment Incentives Area, Housing Services is requesting the allocation of \$125,000 in available HOME program income to the HOMEownership 80 Program.

Increased funding for the HOMEownership 80 program is available from program income receipts. Program income has been accumulated, primarily from the repayment of loans and completed CHDO projects.

The proposed funding allocation does not require an amendment to the City's Consolidated Plan.

Motion--
--carried

Mayans moved that the allocation of HOME Program Income for the HOMEownership 80 Program be approved. Motion carried 6 to 0. (Gray absent).

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No 04-0044

On October 13, 2003 the Board of Code Standards (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on this structure, however compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to complete repairs on this property.

Property Address

a. 323 N. Meridian

Council District

VI

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on March 2, 2004 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 6 to 0. (Gray absent).

RESOLUTION NO. 04-025

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 33-35, Block 28, J.O. Davidson's 2nd Add., Wichita, Sedgwick County, Kansas known as 323 North Meridian may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. Gray, absent.

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CASE NO. 03 CV 3358 PAYMENT OF CONDEMNATION AWARD, CASE NO. 03 CV 3358-EAST KELLOGG PROJECT. (DISTRICT II)

Agenda Report No. 04-0045

The City has identified the need to acquire a tract of land located at 8600 E. Kellogg (K Mart store) in connection with a project to improve East Kellogg/U.S. Highway 54 from Rock Road to the East Turnpike. The land is owned by the Ciuffo Family Trust and the Maisano Family Trust. Earlier this year the City initiated eminent domain proceedings to acquire this property. On December 30, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$7,000,000.00. The court awarded the three appraisers fees in the amount of \$4,500.00 each. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before January 29, 2004.

The costs of acquiring these properties will be paid from project funds.

The City has until January 29, 2004, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--

Mayans moved that the payment to the Clerk of the District Court in the amount of \$7,013,611.00 for acquisition of property interests condemned in Case No. 03 CV 3358 be authorized. Motion carried 6 to 0. (Gray absent).

--carried

CASE NO. 03 CV 3355 PAYMENT OF CONDEMNATION AWARD, CASE NO. 03 CV 3355-EAST KELLOGG PROJECT. (DISTRICT II)

Agenda Report No. 04-0046

The City has identified the need to acquire a tract of land located at 9018 E. Kellogg (Michael's store) in connection with a project to improve East Kellogg/U.S. Highway 54 from Rock Road to the East Turnpike. The land is owned by the J. Harold Ashton Trust. Earlier this year the City initiated eminent domain proceedings to acquire this property. On December 31, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$2,000,000.00. The court awarded the three appraisers fees in the amount of \$4,500.00 each. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before January 30, 2004.

The costs of acquiring these properties will be paid from project funds.

The City has until January 30, 2004, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--

Mayans moved that the payment to the Clerk of the District Court in the amount of \$2,013,611.00 for acquisition of property interests condemned in Case No. 03 CV 3355 be authorized. Motion carried 6 to 0. (Gray absent).

--carried

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CLAIM

SETTLEMENT OF CLAIM.

Agenda Report No. 04-0047

This lawsuit, Sedgwick County Case No. 03 CV 1087, and 03 CV 2744 results from an automobile accident between plaintiff and a Wichita Police Officer.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$125,000.00 as full settlement of all claims arising out of these transactions. Settlement would include a full release of liability for the city and the individual Police Officer and resolution of existing hospital liens. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the Tort Claims Fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Mayans moved that the payment of \$125,000.00 as a full settlement of all possible claims arising out of the transactions, which are the subject of the claim be authorized. Motion carried 6 to 0. (Gray absent).

RESOLUTION

RESOLUTION SUPPORTING THE PRESERVATION OF THE FOUR MILITARY BASES IN KANSAS.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Gray absent).

RESOLUTION OF THE CITY OF WICHITA, KANSAS – FOUNDED IN 1870.

Be it resolved that the Council of the City of Wichita, Kansas, on January 6, 2004, approved participation in the statewide initiative to prevent military base closures in Kansas, and

Whereas, between now and May 205, Congress will consider the closure of military bases throughout the United States; and

Whereas, the local economic impact of the loss of McConnell Air Force Base is estimated at 633 million, and the loss of 2,700 base personnel will dramatically impact this already economically challenged community.

Not, therefore, be it resolved, that we join with the State of Kansas and other affected communities in our concern to preserve and retain the four bases in Kansas. We further resolve to join with Derby, Sedgwick County and others in the rally for the retention of the very vital presence of McConnell Air Force Base, in Wichita, Kansas, . Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Gray absent)

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SECOND READING ORDINANCES: (FIRST READ JANUARY 6, 2004)

- a) Amendment of Industrial Revenue Bond Documents, Big Dog Motorcycles, L.L.C. (District I)

ORDINANCE NO. 45-967

An Ordinance prescribing the form and authorizing execution of a Supplemental and Amending Trust Indenture by and between the City and BNY trust company of Missouri, St. Louis, Missouri, as Trustee with respect to the City of Wichita, Kansas Taxable Industrial Revenue Bonds, Series V, 2000 (Big Dog motorcycles project), taxable industrial revenue bonds, series iii, 2002 (big dog motorcycles project), and Taxable Industrial Revenue Bonds, Series IV, 2003 (Big Dog Motorcycles Project); prescribing the form and authorizing the execution of a Supplemental and Amending Lease by and between the City and Waterview Realty, LLC; approving the forms of guaranty agreements; approving the form of a Limited Individual Guaranty Agreement by and between Sheldon E. Coleman as Limited Individual Guarantor, and the Trustee; approving the Supplemental and Amending Sublease between Waterview Realty, LLC and Big Dog Motorcycles, LLC; and authorizing other documents necessary to comply with the provisions of this ordinance, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

- b) Health nuisance – lot clean up.

ORDINANCE NO. 45-965

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

- c) Weed mowing.

ORDINANCE NO. 45-966

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

- d) A03-26-northwest corner of the intersection of 21st Street North and 143rd Street East. (District II)

ORDINANCE NO. 45-968

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent) A03-26

- e) A04-01 - generally located at the northeast corner of 143rd Street East and Kellogg. (District II)

ORDINANCE NO. 45-969

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent). A04-01

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f) A04-02 - generally located near the southeast corner of the intersection of K-96 and Ridge Road. (District V)

ORDINANCE NO. 45-970

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent). A04-02

PLANNING AGENDA

VAC 2003-00048

VAC 2003-00048-REQUEST TO VACATE PORTION OF PLATTED SETBACKS LOCATED SOUTHWEST OF SENECA STREET-PAWNEE AVENUE INTERSECTION.

Agenda Report No. 04-0048

The applicant is requesting vacation of the 100-foot and 90-foot setbacks as recorded on the Westway Addition. The Westway Addition was recorded 10-08-1986. This site is also subject to CUP DP-21.

The applicant must apply for an adjustment or an amendment to the CUP, depending on the extent of any other proposed changes to the CUP including these setback vacations; the platted 100-foot and 90-foot setbacks are shown on CUP DP-21. The vacation request would leave a 35-foot setback along the Seneca Street and Pawnee Avenue frontages. Approval of the adjustment or an amendment must be approved before the vacation proceeds to the WCC. Conditions of approval of the adjustment or amendment could effect the vacation of the setbacks. An Administrative Adjustment to reduce the setbacks to 35-feet was issued on November 26, 2003. Current "LC" zoning district setbacks are 20-foot front setback and 15-foot for street side setback. The prevalent setback on this area's non-residential zoning (north to May Street – south to 27th Street South - west to Glenn Avenue – east to the Arkansas River) is 35-feet.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

VAC 2003-00050

VAC 2003-00050-REQUEST TO VACATE PORTIONS OF PLATTED ALLEY RIGHT-OF-WAYS LOCATED SOUTHEAST OF THE DOUGLAS AVENUE-OLIVER AVENUE INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0049

The applicants are requesting to vacate the eastern portion of the platted west to east alley ROW. The Douglas Avenue Addition was recorded 03-24-1887.

The alley is developed and there is sewer or in the ROW. Setbacks on abutting lots would remain in effect and move with the adjusted property lines. Reversion rights of the 15-foot alley ROW would go ½ to the north and ½ to the south. All abutting property owners have signed the petition and the application to vacate. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds, provide dedication of Cross Lot Access and dedication of 5-feet of additional utility easement to be recorded with the Register of Deeds, retain the 15-foot alley as an utility easement, setbacks on abutting lots would remain in effect and move with the adjusted property lines and reversion rights of the 15-foot alley ROW would go ½ to the north and ½ to the south.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

VAC 2003-00056

VAC 2003-00056-REQUEST TO VACATE A PLATTED EASEMENT LOCATED SOUTHEAST OF THE TYLER ROAD-29TH STREET NORTH INTERSECTION. (DISTRICT V)

Agenda Report No. 04-0050

The applicant is requesting consideration for the vacation of a platted 20-foot utility easement, which runs parallel to the south property line of Lot 8, Block B, Fossil Rim Estates Addition. The Fossil Rim Estates Addition was recorded with the Register of Deeds May 31, 2002.

The applicant requests the vacation to allow for more building square footage. There is no sewer, water or utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

VAC 2003-00057

VAC 2003-00057-REQUEST TO VACATE MULTIPLE PLATTED EASEMENTS LOCATED SOUTHWEST OF THE MAIZE ROAD-PAWNEE AVENUE INTERSECTION. (DISTRICT V)

Agenda Report No. 04-0051

The applicant is requesting consideration for the vacation of multiple platted easements located in the Southern Ridge Addition. The Southern Ridge Addition was recorded with the Register of Deeds January 15, 2003.

Lot shifts will reconfigure these lots. The applicant has dedicated new easement to cover the Westar equipment that was in the easements. There is no sewer or water in the easement. There are no plans for water, sewer or other utility equipment in the easement in the future.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

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VAC 2003-00058

VAC 2003-00058-REQUEST TO VACATE EASEMENTS DEDICATED BY SEPARATE INSTRUMENT LOCATED SOUTHEAST OF THE EDWARDS-LYDIA INTERSECTION. (DISTRICT IV)

Agenda Report No. 04-0052

The applicant is requesting consideration for the vacation of easements dedicated by separate instrument, film 2207, page 0080 with the Register of Deeds.

There is no sewer in the easement. There is a private water line in the easement. The applicant has dedicated a private water line easement to cover the water line, per a condition of a Lot Split of Lots 1 & 2, Block 2, Southwest Industrial Addition. The Southwest Industrial Addition was recorded with the Register of Deeds August 8, 1953. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gray absent).

SUB 2003-43

SUB 2003-43-PLAT OF KING'S MAPLE STREET SECOND ADDITION, LOCATED ON THE SOUTHEAST CORNER OF MAPLE AND RIDGE ROAD. (DISTRICT V)

Agenda Report No. 04-0053

A zone change (Z-3359) from SF-5, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by Z-3359 addressing signage, building height, lighting and screening.

A petition, 100%, and a Certificate of Petitions have been submitted for sewer improvements. A Cross-lot Access Easement was provided for the benefit of the adjacent property to the south. As required by the drainage plan for this site, a Cross-Lot Drainage Easement was provided. These easements are also included within a Reciprocal Easement Agreement that was provided. As required by the zone change, a Restrictive Covenant was provided regarding use and access. A Protective Overlay Certificate was provided identifying the approved Protective Overlay and its special conditions for development. The site is within the noise impact area of Wichita Mid-Continent Airport and an Avigational Easement and Restrictive Covenant were required. A cash guarantee has been provided in order to guarantee the closure of a driveway along Ridge Road currently located in an area platted with complete access control. A Sidewalk Easement (1) and Utility Easements (2) have also been provided as requested by Traffic Engineering. The Sidewalk Easement also includes the abutting property to the south. The Utility Easement also includes the abutting property to the east.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Cross-lot Access Agreement, Cross-lot Drainage Easement, Reciprocal Easement Agreement, Restrictive Covenants, Protective Overlay Certificate, Avigational Easement, Sidewalk Easement and Utility Easements will be recorded with the Register of Deeds.

Motion--
-- carried

Mayans moved that the Documents and Plat be approved; the necessary signatures authorized; and the Ordinance be placed on first reading, with publication being withheld until such time as the Plat is recorded with the Register of Deeds.. Motion carried 6 to 0. (Gray absent)

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. Z-3359

SUB 2001-107

SUB 2001-107-PLAT OF KING'S MAPLE STREET THIRD ADDITION, LOCATED ON THE EAST SIDE OF RIDGE ROAD, SOUTH OF MAPLE. (DISTRICT V)

Agenda Report No. 04-0054

Two zone changes (Z-3350 and Z-3360) from SF-5, Single-Family Residential to LC, Limited Commercial have been approved for this site subject to platting. The plat is also subject to Protective Overlays established by Z-3359 and Z-3360 addressing signage, building height, lighting, screening and permitted uses.

A petition, 100%, and a Certificate of Petitions have been submitted for sewer improvements. A Protective Overlay Certificate was provided identifying the approved Protective Overlay and its special conditions for development. The site is within the noise impact area of Wichita Mid-Continent Airport and an Avigational Easement and Restrictive Covenant were required. A cash guarantee has been provided in order to guarantee the closure of a driveway along Ridge Road currently located in an area platted with complete access control. A Utility Easement was provided as requested by Traffic Engineering. A Temporary Easement was provided to cover an existing sewer line.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinances should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Protective Overlay Certificate, Avigational Easement, Restrictive Covenant, Utility Easement, and Temporary Easement will be recorded with the Register of Deeds.

Motion--

Mayans moved that the Documents and Plat be approved; the necessary signatures authorized and the Ordinances be placed on first reading, with publication being withheld until such time as the Plat is recorded with the Register of Deeds.. Motion carried 6 to 0. (Gray absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. Z-3350

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. Z-3360

SUB 2003-05

SUB 2003-05-PLAT OF UNIVERSITY AND RIDGE ADDITION, LOCATED ON THE EAST SIDE OF RIDGE ROAD, SOUTH OF MAPLE. (DISTRICT V)

Agenda Report No. 04-0055

Two zone changes (ZON 2002-23 and ZON 2002-56) from SF-5, Single-Family Residential to LC, Limited Commercial have been approved for this site subject to platting. The plat is also subject to Protective Overlays #113 and #117 addressing signage, lighting, building height, noise, screening and permitted uses.

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A Petition, 100%, and a Certificate of Petitions have been submitted for sewer and paving improvements. A Certificate of Petitions has also been submitted. A Protective Overlay Certificate was provided identifying the approved Protective Overlay and its special conditions for development. The site is within the noise impact area of Wichita Mid-Continent Airport and an Avigational Easement and Restrictive Covenant were required. A cash guarantee has been provided in order to guarantee the closure of a driveway currently located in an area platted with complete access control. A Utility Easement and Sidewalk Easement were provided as requested by Traffic Engineering. A Temporary Easement was provided to cover an existing sewer line. A Cross-lot Access Easement was provided for the benefit of the adjacent property to the north.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinances should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Protective Overlay Certificate, Avigational Easement, Restrictive Covenant, Utility Easement, Sidewalk Easement, and Temporary Easement will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and Plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinances be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds.. Motion carried 6 to 0. (Gray absent).

RESOLUTION NO. 04-033

Resolution of findings of advisability and Resolution authorizing construction of Lateral 66, Main 4, Southwest Interceptor Sewer (south of Maple, east of Ridge) 468-83744, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 04-034

Resolution of findings of advisability and Resolution authorizing improving University Avenue for a street widening for the eastbound lanes of University Avenue from approximately two hundred feet east of the intersection with Ridge Road to Ridge Road (south of Maple, east of Ridge) 472-83894, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-23

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 and ZON 2002-56

SUB 2003-103

SUB 2003-103-PLAT OF UNIVERSAL FIFTH ADDITION, LCATED NORTH OF KELLOGG, WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 04-0056

This unplatted site, consisting of 1 lot (.26 acres), is located in the within Wichita's city limits. This site is zoned ""GC"" General Commercial District.

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Municipal services are available to serve the site. A Restrictive Covenant was submitted tying this lot together with the adjoining property to the east.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved and the necessary signatures authorized. Motion carried 6 to 0. (Gray absent).

SUB 2003-124

SUB 2003-124-PLAT OF CY WIGGINS ADDITION, LOCATED WEST OF HILLSIDE AND NORTH OF KELLOGG. (DISTRICT I)

Agenda Report No. 04-0057

This site, consisting of 1 lot (.15 acres) is a replat of lots in the Hillside Muellers Subdivision and the Richlands Second Addition and is located in the within Wichita's city limits. A zone change, (ZON 2003-56) from "TF-3" Two-Family Residential District to "GO" General Office District has been approved for this site subject to platting.

Municipal services are available to serve the site. This plat denotes complete access control along both perimeter streets with an ingress/egress easement that provides access to this site from the adjacent property to the north. An Ingress/Egress Easement was provided.

A Restrictive Covenant was submitted tying this lot together with the adjoining property to the east.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Ingress/Egress Easement will be recorded with the Register of Deeds.

Motion--
-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures authorized; and Ordinances be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds.. Motion carried 6 to 0. (Gray absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 and ZON 2003-56

A04-03

A04-03-REQUEST BY SOUTHWIND FELLOWSHIP TO ANEX LAND GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF 44TH STREET SOUTH AND HOOVER ROAD. (DISTRICT IV)

Agenda Report No. 04-0058

The City has received a request to annex 5.4 acres of land generally situated near the northeast corner of the intersection of 44th Street South and Hoover Road. The annexation area abuts the City of Wichita to the east, south, and west of the property. Approximately 40 percent of the property is currently developed as the Southwind Fellowship Church, with the other 60 percent vacant. In the future the church hopes to expand their facilities on this property although no plans have been finalized.

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Land Use and Zoning: The annexation area is currently in agricultural use and zoned "SF-20" Single Family Residential. The property directly to the north of the proposed annexation is zoned Single Family "SF-20," and in agricultural use. The tracts to the east and south of the proposed annexation are subdivided, zoned "SF-20" Single Family and either vacant or in use as single-family residences. The property to the west of the proposed annexation is zoned Single Family "SF-5" and in agricultural use.

Public Services: Water and sewer facilities are available to the proposed annexation property. An 8" public sanitary sewer line is located on the east side of the property and a 16" public water line is located on the west side of the proposed annexation.

Street System: The subject property fronts on to Hoover Road, a two lane paved county road. At this time there are no scheduled improvements for Hoover Road.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a nine (9) to ten (10) minute approximate response time from City Fire Station #19 located at 600 W. MacArthur. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: South Lakes Park, a 247-acre park, is located approximately 2.5 miles to the southeast of the proposed annexation. A greenway is proposed approximately .25 miles to the east of the proposed annexation (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The proposed annexation property is owned by Southwind Fellowship and operated as a church, it is tax exempt and no tax revenues will be generated.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
-- carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Gray absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-03

ADJOURNMENT

Motion--carried

Mayans moved that the meeting be adjourned. Motion carried 6 to 0. (Gray absent).

The City Council meeting adjourned at 10:56 a.m.

Karen Schofield
City Clerk